

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JACKIE FISHER	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:08-cv-01273
	§	
UNIVERSITY OF TEXAS	§	Jury Demanded
MEDICAL BRANCH and	§	
DAVID WATSON	§	
Defendants.	§	

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Plaintiff, Jackie Fisher, submits the following proposed *voir dire* concepts and questions:

General Background

- 1.. Is there any member of the jury panel who knows or is familiar with any of the individual plaintiff involved in this case, Jackie Fisher? If so, would this relationship will affect your ability to render an impartial verdict in this case?

2. Is there any member of the jury panel who works for or has worked for, UTMB?

3. Is there any member of the jury panel who works for or has worked for, TDCJ?

4. Is there any member of the jury panel who works for or has worked for the State of Texas?

General Attitude

5. Have you, a family member, or a friend ever been accused of discriminating against or harassing anyone because of their race? If so, explain.
6. Have you, anyone close to you, or any member of your family ever been employed as medical professional, nurse, or administrator?
7. Have you ever served in the armed forces? If so, what branch?
8. What have you seen or heard about any particular discrimination or harassment case based on race?
9. Do you consider your views to generally be:
(1) Conservative _____
(2) Liberal _____

Subject: The Fear of Retaliation

10. Are there people on the jury panel who have been demeaned or humiliated by a supervisor in front of others—and who took on that supervisor?
11. Are there people on the jury panel who have found themselves in the position of sticking up for other employees against unfair treatment by a supervisor - and who took on that supervisor?
12. What happened as a result of your efforts to get the employer to stop the supervisor's abusive conduct?

Subject: Being Accused of Misconduct Towards Another

13. Ever been accused of mistreating another person at work with charges like racial discrimination or retaliation, favoritism, or being abusive, things like that?
14. Even if you yourself were not accused of mistreating someone else at work, how many of you have you been in a job where someone in your work unit, department, or section was accused of that kind of mistreatment?

15. In that situation, was the person who made the accusation of mistreatment in the right, or in the wrong?
16. How many of you have you been in a job where you observed that someone in your work unit, department, or section was treated un fairly?
17. Even you have not personally been in a work environment where this kind of accusation was made, how many of you are related to or are close to someone (like a friend, or neighbor) who was accused of mistreating someone else at work—sexual harassment, discrimination, retaliation, favoritism, or being abusive, things like that?

Subject: Supervisory Responsibilities

18. A good boss or supervisor is one who is liked by everyone?
19. Qualities of a good boss?
20. Qualities in a bad boss?

Subject: Panel Member Specific Questions

21. For those who are now unemployed or who have had periods of unemployment:
22. Do you believe you were terminated unfairly or unjustly? What, if anything, did you do to challenge your termination?
23. If you did not challenge the termination, why not?

Bias or Prejudice with Regard to this Type of Case

24. How many jurors either now work or have worked for a company (or even owned a business) that was sued?
25. What type of claim was made against the company?
26. Do you think a defendant in a lawsuit is going to admit that they messed up?

Miscellaneous

- 27. Have you ever felt discriminated against? Please explain.
- 28. Have you ever had a family member or friend that you believed was discriminated against for any reason? Please explain.
- 29. Have you ever owned a business that employed other people. Please explain.

Injury and Damages

- 30. Do you think that our legal system awards too much money in damages to individuals?
- 31. Should there be some kind of limit on the amount of money damages an individual should receive in a law suit?
- 32. Should there be a some kind of limit on the amount of money damages an individual should receive in a lawsuit as compensation for mental anguish?
- 33. Tort reform is important to you or not important? Why?
- 34. Are you a member of any organization that pertains to the justice system or reform or modification of the justice system?
- 35. Is there anyone on the jury panel who has a fixed opinion or bias — either for or against — concerning any of the parties in this case? If so, please explain what the fixed opinion or bias is. If you have a fixed opinion or bias, would it in any way affect your ability to listen to the evidence impartially and render a fair and impartial verdict in this case?
- 36. Is there anyone on the panel who has a fixed opinion that the State generally treats their employees fairly? If so, would this fixed opinion affect your ability in any way to listen to the testimony impartially and render a fair and impartial verdict in this case?
- 34. Was anyone on the jury panel ever had a complaint of any kind filed against him or her or their company by an employee at work? If so, please explain the circumstances involved, and state whether that experience will affect your ability to listen to the evidence impartially and render a fair and impartial verdict in this case?
- 35. Is there any member of the jury panel who is or has been, or who has a family member who is or has been, a member of any organization that has as its aim the promotion or civil, constitutional or human rights? If so, would that experience affect your ability to listen to

the evidence impartially and render a fair and impartial verdict in this case?

36. Is there any member of the jury panel who, because the Defendant in this lawsuit is a branch of the State of Texas, would give the Defendant an initial edge in this lawsuit before any evidence is presented?
37. Is there any member of the jury panel who, because the Defendant in this lawsuit is an agency of the State of Texas, would give the Defendant's witnesses and evidence the edge when it come down to trust and believability?
38. Is there anyone here who is or was a supervisor at work and had a employee complain of your conduct? What were the circumstances? Having experienced this yourself would this effect your evaluation of this case differently than say a supervisor who has not been complained about by a subordinate employee at work? Having this experience in your background would you go into this case placing more credence in the employer's claims than the plaintiff's?
39. If you were, or are, the supervisor at work, how would you, or do you, handle complaints of racial discrimination?
40. Do individuals of the same race usually stick together in employments disputes against an employer?
41. Anyone here employed by the same employer fort more than 25 years?
47. Have you heard anything during this jury-selection process that causes you concern about your ability to be a fair and impartial juror in this case?

Respectfully submitted,

LAW OFFICE OF JO MILLER, P.L.L.C.

By: /s/ Jo Miller

JO MILLER

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Attorney for Plaintiff, Jackie Fisher

NOTICE OF ELECTRONIC FILING

I, Jo Miller, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing document in accordance with the Electronic Case Files System of the Southern District of Texas, on this the 18th day of February, 2010.

/s/ Jo Miller

JO MILLER

CERTIFICATE OF SERVICE

I hereby certify that, a true and correct copy of the foregoing was served electronically on February 18, 2010 to:

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/s/ Jo Miller

Jo Miller, Attorney for Jackie Fisher